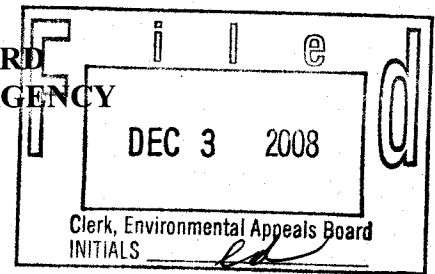


**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**



In re:)

City of Manchester, N.H.)

NPDES Permit No. NH0100447)

NPDES Appeal No. 08-21

ORDER GRANTING JOINT MOTION TO STAY PROCEEDINGS

On September 25, 2008, United States Environmental Protection Agency, Region 1 ("Region") reissued National Pollutant Discharge Elimination System ("NPDES") Permit No. NH0100447 ("Permit") to Petitioner, the City of Manchester, New Hampshire ("City"). The Permit authorized discharges from the City's Wastewater Treatment Plant and various combined sewer overflows into the Merrimack and Piscataquog Rivers.

The City filed a Petition for Review ("Petition") of the Permit on October 24, 2008 pursuant to 40 C.F.R. § 124.19(a). In its Petition, the City challenges two aspects of the Permit: the aluminum limit and the 7Q10 methodology used to calculate (low) flow. Petition at 2. The City also claims that the frequency of sludge testing in the Permit was different from that in the draft permit. *Id.* The City believes this was an error and requests the term be modified. *Id.*

Upon receiving the City's petition, the Environmental Appeals Board ("Board") sent a copy to the Region and requested that the Region respond to the City's contentions by December 15, 2008. The Board also requested the Region send a copy of the relevant portions of the administrative record.

By joint motion, the parties have requested a stay of the proceedings until March 18, 2009, to allow the parties to undertake settlement negotiations. The parties indicate that they believe they may be able to resolve some or all of the issues in the appeal and therefore have agreed to enter into settlement discussions. Joint Motion to Stay Proceedings at 1. The parties aver that this extension is reasonable and necessary given the need to develop technical information to resolve the issues, given the need to schedule discussions of the issues over the upcoming traditional holiday season, and given the need to consult with outside parties, such as the New Hampshire Department of Environmental Services. *Id.* at 2. The parties also claim that a stay of the proceedings will conserve administrative and judicial resources and will encourage efficiency and promote judicial economy. *Id.*

For the reasons articulated above, the parties' motion is GRANTED. Accordingly, the above-captioned matter is hereby STAYED until March 18, 2009. The parties are ordered to submit a report no later than March 18, 2009, regarding the status of the permit modification negotiations, which shall include a discussion of whether it is appropriate to continue the stay, dismiss the petition, or establish a schedule for the Region to file a response to the petition.

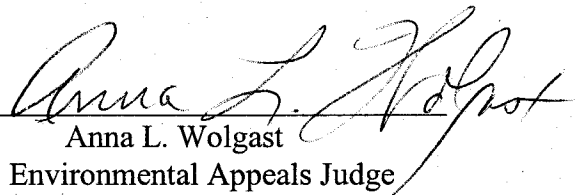
So ordered.

Dated:

December 3, 2008

ENVIRONMENTAL APPEALS BOARD

By:


Anna L. Wolgast
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Joint Motion to Stay Proceedings in the matter of City of Manchester, N.H., NPDES Appeal No. 08-21, were sent to the following persons in the manner indicated:

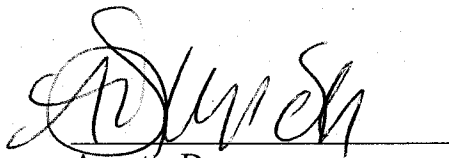
By Pouch Mail and FAX:

Ronald A. Fein
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Fax: (603) 628-6234

Dated: **DEC - 3** 2008


Annette Duncan
Secretary